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**Human Rights Council**

**Forty-sixth session**

28 February–1 April 2021

Agenda item 2 and 10

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of
the High Commissioner and the Secretary-General**

**Technical assistance and capacity-building**

 Situation of human rights in Afghanistan

 Report of the United Nations High Commissioner for Human Rights[[1]](#footnote-2)\*

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|  *Summary* |
|  The present report is submitted pursuant to Human Rights Council Special Session resolution S-31/1, in which the United Nations High Commissioner for Human Rights was requested to submit to the Human Rights Council at its forty-ninth session a comprehensive report on the human rights situation in Afghanistan focusing on, inter alia, accountability of all perpetrators of human rights violations and abuses in the conflict. The report should be read in conjunction with the High Commissioner’s separate report to the forty-ninth session (A/HRC/49/90). |

 I. Introduction and methodology

1. The present report is submitted pursuant to Human Rights Council Special Session resolution S-31/1, in which the United Nations High Commissioner for Human Rights (OHCHR) was requested to present a comprehensive report on the situation of human rights in Afghanistan focusing on, inter alia, the accountability of all perpetrators of human rights violations and abuses in the conflict.

2. The present report focuses mainly on the period since the Human Rights Council resolution S-31/1 was adopted on 24 August 2021 until the end of February 2022. It provides an overview of the human rights situation in Afghanistan and highlights issues of concern, including violations of the right to life and physical integrity, gender-based discrimination and violence against women and girls, violations of the rights to freedom of opinion and expression, right of peaceful assembly, undue restrictions to freedom of movement, accountability and the administration of justice. Special attention has been paid to issues of economic, social and cultural rights and the situation of women and girls.

3. While Afghanistan’s domestic legal framework evolves, this report uses as its benchmark the seven core United Nations human rights treaties to which Afghanistan remains a State Party and by which it continues to be bound.[[2]](#footnote-3)

 A. Context

4. On 15 August 2021, following a rapid military advance, the Taliban took control of the capital Kabul. International Military Forces completed their withdrawal from Afghanistan on 30 August 2021. By 6 September 2021 the Taliban had captured Panjshir Province, the last pocket of armed resistance.[[3]](#footnote-4) The sudden and unexpected collapse of the Afghan National Security and Defence forces, and with it the effective control of the government, caused unprecedented chaos and fear throughout many parts of the country, especially in Kabul. Since 15 August 2021, there has been a significant decrease in armed hostilities in Afghanistan with a drastic reduction in civilian casualties. While sporadic violence remains, civilians now can live in relative peace.

5. On 7 September 2021, the Taliban announced a caretaker cabinet along with appointments to other key administrative positions at the national and provincial levels. At the time of this report, all members of the *de facto* administration remain male and predominantly Pashtun, lacking representation of Afghanistan’s diverse ethnic, religious, political and geographic groups. Women are neither included in this *de facto* administration nor currently allowed any active role in political life.

 II. Economic, social and cultural rights

6. Prior to the Taliban takeover, Afghanistan was already in a precarious economic situation due to severe droughts over several seasons, limited foreign trade, the socio-economic impact of the COVID-19 pandemic and insecurity in the context of the ongoing armed conflict. Following the Taliban takeover, the economy spiralled downwards sparking an unprecedented crisis that has impacted the full range of economic, social and cultural rights of the vast majority of people in Afghanistan. The situation was exacerbated by the fact that the sanctions regime that the United Nations Security Council had applied to the Taliban since 2015[[4]](#footnote-5) now applied to the *de facto* authorities of the country. In addition, US authorities froze USD9.5 billion in assets of the Central Bank of Afghanistan[[5]](#footnote-6) which are held by the United States. Federal Reserve, and which underpin the stability of domestic banks. By September 2021, many commercial banks, which had already been under severe pressure from a high volume of cash withdrawals and currency conversion, had stopped operating, resulting in many people losing access to their savings or being forced to find alternatives.

7. From 15 August 2021, the international community also suspended non-humanitarian aid to Afghanistan, on which almost every essential state function had been dependent prior to the Taliban takeover. On 22 December 2021, the United Nations Security Council adopted Resolution 2615 modifying the sanctions regime, which had applied to the Taliban since 2015, to permit the provision of humanitarian assistance and other related activities. On 23 December 2021, a group of ten Special Procedures mandate holders warned that the current sanctions regime was “impeding the functioning and maintenance of infrastructure that is essential to ensure the population’s survival.”[[6]](#footnote-7) On 2 February 2022, the United States authorities announced that international banks would be permitted to transfer money to Afghanistan for humanitarian purposes, enabling aid agencies to pay teachers and healthcare personnel without fear of violating international sanctions.[[7]](#footnote-8)

 A. Right to an adequate standard of living, including the right to food

8. The economic crisis has had a profound impact on the right to an adequate standard of living, including the right to food. According to the World Food Programme, the estimated numbers of people unable to adequately feed themselves and their families had increased dramatically reaching 22.8 million - an increase of 37 percent in the number of Afghans facing acute hunger. Among these, approximately 8.7 million people were assessed as experiencing critical levels of acute food insecurity.[[8]](#footnote-9)

9. Contributing to food insecurity, throughout 2021 Afghanistan suffered its second drought in four years, affecting 25 of the county’s 34 provinces.[[9]](#footnote-10) Since 80 percent of the population depends directly on agriculture, this significantly undermined livelihoods and access to food.[[10]](#footnote-11)

10. The impact of this decrease in domestic production has also been exacerbated by disruptions to international trade, as well as brief and partial closure of borders after 15 August 2021, which have further reduced the amount of food available in markets and driven up prices of essential goods.[[11]](#footnote-12) Owing to the ongoing liquidity crisis, it is becoming increasingly difficult for individuals and market vendors to be able to purchase essential goods and services, including food and medicines.

11. The World Bank has estimated that Afghanistan currently has a year-on-year inflation rate of almost 41.9 percent.[[12]](#footnote-13) Given Afghanistan’s dependence on imports, the depreciation in the currency has also driven up prices. The World Food Programme recorded significant price increases from June to October 2021 for basic items such as wheat, rice, cooking oil, diesel and other essentials.[[13]](#footnote-14)

12. As a result of this crisis, people are resorting to harmful coping mechanisms including incurring unsustainable debt burdens.[[14]](#footnote-15) UNICEF has observed an increase in child labour, child marriage, and the sale of children,[[15]](#footnote-16) disproportionately affecting girls. For example, in November 2021 UNICEF received credible reports of “families offering their daughters as young as 20 days old for future marriage in return for a dowry.”[[16]](#footnote-17)

13. Over the last twenty years, access to health facilities had improved in many parts of the country, mostly due to national and international NGOs being contracted to provide basic health services at the provincial and district levels.[[17]](#footnote-18) Government spending on health remained low, approximately USD8 per person. As such, the health sector was heavily dependent on donors and NGO partners,[[18]](#footnote-19) raising questions over its long-term sustainability.

14. Following the Taliban takeover, most donors suspended their support for the health sector beyond the provision of basic humanitarian needs. In particular, the World Bank withdrew funding for the Sehatmandi project,[[19]](#footnote-20) which had financially supported health packages and hospital services in 31 of the 34 provinces of the country (more than 2,300 out of 3,500 health facilities). Besides this, there are more than 1200 health facilities outside the scope of World Bank funding and therefore remain out of the scope of the Sehatmandi. Project. The banking and liquidity crisis have had adverse impacts on the health system, with multiple facilities unable to pay salaries and fuel to run their generators. Ambulances cannot operate, food supplies are running short for the patients, and they lack adequate medicine.[[20]](#footnote-21) Over the past months the dearth of funding in the health sector is slowly but gradually improving, with the resumption of funding from the World Bank/Afghanistan Reconstruction Trust Fund facilitated by policy provisions (including UNSC Resolution 2615 and OFAC General Licenses 19 and 20) that allow funding for ‘basic human needs’.

15. Other challenges impacting the health sector include cross-border supply, as border closures have slowed the flow of medicines and other related goods to pharmacies.[[21]](#footnote-22) Health facilities have been at risk of electrical blackouts, owing to disruptions and reductions in supply owing to the fact that more than 80 percent of Afghanistan’s electricity is imported from abroad.

16. This decrease in access to, and provision of healthcare services is taking place against the backdrop of increasing outbreaks of measles, acute watery diarrhoea and other preventable diseases in part due to underlying problems such as access to clean water and sanitation and adequate food.[[22]](#footnote-23) Since the outbreak of the COVID-19 pandemic, WHO recorded 172,924 reported and confirmed cases with 7,575 deaths in Afghanistan from 3 January 2020 to 24 February 2022. As of 19 February 2022, a total of  5,412,309 vaccine doses have been administered, covering approximately 9 percent of the population[[23]](#footnote-24).

 B. The right to education

17. Over the past two decades, significant advances had been made in education, especially for girls.[[24]](#footnote-25) Before August 2021, 9.2 million children (38 percent girls) were in school - an eight-fold increase from the early 2000s.[[25]](#footnote-26) Of the four million children not enrolled in school, approximately 60 percent were girls.[[26]](#footnote-27) Due to a shortage of female teachers, the ongoing conflict, and limited investment, however, the education system had limited reach, particularly in remote areas. The education sector, as with the health sector, has been heavily dependent on donors and outsourcing to NGOs. Furthermore, education infrastructure remains poor, with most schools, particularly those located in remote areas, in need of refurbishment.

18. Since August 2021, the *de facto* authorities have repeatedly given public assurances that girls’ education would continue, particularly beyond the sixth grade, but on the asserted basis of an Islamic framework. On 18 November 2021, the *de facto* authorities announced that schools would reopen in March 2022, including for girls beyond the sixth grade, pending development of a new education policy. There has been no confirmation from the *de facto* authorities as to the curriculum that will be taught or whether it will be the same for boys and girls.

19. On 12 January 2022, the *de facto* minister of higher education announced that Afghanistan’s 40 public universities would resume operation. On 2 February 2022, the *de facto* authorities opened public universities for both men and women students in warm climate areas of the country.[[27]](#footnote-28) Universities in cold climate provinces opened on 26 February 2022. While the *de facto* authorities have given assurances that women can continue to enrol in higher education, they stressed that women will only be allowed in gender-segregated classrooms and Islamic dress will be compulsory. These policies were already in application in various parts of the country prior to the Taliban takeover. Concerns remain that rigid gender segregation at universities will severely curtail women’s access to higher education and the quality of teaching and learning. Similarly, as with primary and secondary schools, it is uncertain whether all courses will be open equally to women and men.

20. The funding crisis has also meant that public-school teachers, in particularly contract teachers did not receive their monthly salaries on a regular basis, and are without clear perspective when or whether they will be paid again. In addition, no funds are available to provide key inputs to education such as funding to keep school operational, the provision of teaching and learning materials, including text books, or teacher training support, putting children in public schools at risk of dropping out. Even where girls have been allowed to attend schools, instruction has been constrained due to the absence of women teachers.[[28]](#footnote-29)  According to UNICEF “[f]emale teachers and education administration workers have continued to remain at home with exceptions being reported in some provinces across the country”. Due to ongoing restrictions, UNICEF has also suspended the Girls’ Access to Teacher Education (GATE) classes that provide much needed teacher training for female teachers.[[29]](#footnote-30)

 III. The right to life and physical integrity

 A. Protection of civilians

21. The last months of hostilities between the Taliban and pro-Government forces took a heavy toll on civilians in Afghanistan. From 1 July to 15 August 2021, UNAMA/OHCHR recorded 2,192 civilian casualties (423 killed, 1769 injured). Among these casualties were 371 children (77 killed, 294 wounded) and 136 women (27 killed, 109 wounded). Almost two thirds (62 percent) of civilian casualties during this period were caused by ground engagements.

22. While there has been a significant reduction in civilian casualties since the seizure of power by the Taliban on 15 August 2021, but the protection of civilians remains a cause for concern. In the period between 15 August 2021 and 15 February 2022, UNAMA/OHCHR documented at least 1153 civilian casualties (at least 397 killed and 756 wounded), including 173 child casualties (55 killed, 118 wounded) and 25 civilian casualties among women (11 killed, 14 wounded).

23. Suicide and non-suicide Improvised Explosive Devices (IEDs) were the leading cause of civilian harm. Almost 80 percent of all civilian casualties during this period were caused by Islamic State of Iraq and the Levant – Khorasan Province (ISIL-KP), with four suicide attacks carried out by the group accounting for the majority of civilian casualties, killing 264 people and wounding 533 others. These included the 26 August 2021 attack on Hamid Karzai International Airport in Kabul, an attack on a hospital in Kabul on 2 November 2021, as well as two suicide attacks targeting Shi’a Muslim places of worship. On 8 October 2021, a suicide attack, attributed to ISIL-KP, during Friday prayers on a Shi’a Mosque in Kunduz killed at least 140 civilians and wounded at least 290 others, among them at least 38 boys (13 killed, 25 wounded). UNAMA/OHCHR has recorded instances of non-suicide IEDs, planted by ISIL-KP and targeting *de facto* authorities,killing and maiming civilians.

24. Leftover pressure-plate IEDs and other explosive remnants of war (ERW) were the other main cause of harm to civilians since 15 August 2021, with 61 incidents causing at least 154 civilian casualties, among them 105 children (29 killed, including 27 boys and two girls, 76 wounded, 55 boys and 21 girls). On 10 January 2022, eight children were killed, and four others wounded when an ERW detonated near a school in Nangarhar province.

 B. Killings and extrajudicial killings

25. Since 15 August 2021, the Taliban leadership has repeatedly announced guarantees of protection (referred to as a “general amnesty” for former government officials and members of the Afghan National Security Forces, notwithstanding the length of the conflict, the multiple layers of grievances and the recent history of the country. The Taliban’s Supreme Leader, the *de facto* prime minister, the *de facto* minister of defense, the *de facto* minister of interior and other senior officials and local officials have, on several occasions, called on Taliban fighters to honour the general amnesty and refrain from harming former government officials. Despite these commitments, UNAMA/OHCHR has received credible allegations regarding the killing of more than 130 former Afghan National Security and Defence Forces (ANSDF) and Government personnel or their family members. Of them, around 100 were extrajudicial killings attributed to the *de facto* authoritiesor their affiliates. For instance, on 4 November 2021, in Balkh province, seven *de facto* authorities personnel entered a private residence and shot and killed two women and two men. Both women and one of the men were former ANSDF employees.

26. Since August 2021, UNAMA/OHCHR received credible allegations of the killing of more than 50 persons suspected of ISIL-KP affiliation, of which around 35 were extrajudicial killings attributed to *de facto* authorities. While the vast majority of these incidents occurred in Nangarhar Province in October and November 2021, with a period of no incidents in January 2022, in the second week of February 2022 there were three extrajudicial killings of persons suspected of ISIL-KP affiliation recorded in the province. Many of those killed were also subjected to enforced disappearance, torture, and ill-treatment by the *de facto* authorities. In a number of cases, dismembered bodies were found by the roadside.

27. The unnecessary or disproportionate use of force by the *de facto* authorities during protests, search operations and at checkpoints also resulted in deaths and injuries. On 13 January 2022, Taliban forces shot dead a young woman returning from a wedding party at a security checkpoint in Kabul. In late February 2022, the *de facto* ministry of interior reportedly issued a directive instructing *de facto* security personnel to refrain from firing at civilians at checkpoints. The directive reportedly also instructs *de facto* security forces to refrain from harassing, insulting, and beating suspects and states that *de facto* security forces have no right to conduct a house search without a court order or under the pretext of monitoring an accused person’s residence. Further, it reportedly instructs the *de facto* security forces to perform their duties in the presence of lawyers and in broad daylight.

28. UNAMA/OHCHR has established a mechanism of sharing documented cases of human rights violations with the *de facto* ministry of interior. This is alongside dialogue that aims to establish the facts, with the *de facto* authorities undertaking investigations and ensuring accountability.

C. Detention and prison conditions

29. The conditions in prisons in Afghanistan were already below international standards before 15 August 2021, with serious overcrowding which was only partially relieved in 2020 by a series of releases partly in response to the COVID-19 pandemic. Since August 2021, however, the general lack of funds has further adversely impacted detention conditions, resulting in further scarcity of food, medical care, clothing and heating materials. The limited functioning of the judicial system, especially in the first few months following the August takeover resulted in prolonged pre-trial detention.

30. In January 2022, the *de facto* authorities issued a guidance requiring that detainees be treated in accordance with Islamic law. On 4 January 2022, the *de facto* cabinet established a high-level commission, headed by the Supreme Court, to “inspect the prisons and detention centers and make an urgent decision regarding the release of innocent prisoners.” Since then, a number of detainees were released in various locations across Afghanistan, some seemingly upon the recommendations of this commission and others on decision of local authorities.

31. Concerns also remain about the continuing practices of arrest, incommunicado detention and alleged torture and ill-treatment of individuals suspected of being affiliated with the former government, ANSDF or ISIL-KP. For example, on 15 November 2021, the remains of a tribal elder were discovered in Chaparhar district of Nangarhar province. He had reportedly been previously arrested by the *de facto* authorities’ forces on suspicion of affiliation with ISIL-KP.

 IV. Discrimination and violence against women

32. Gender inequality, discrimination and gender-based violence remained deeply entrenched in Afghanistan even prior to 15 August 2021. Despite this, women had been active in all three branches of the Government, namely the executive, judiciary and legislative, while also playing a growing role in the private sector. Women held 27 percent of seats in the Parliament and 22 percent in the upper house.[[30]](#footnote-31) One fifth of civil servants were women including in the justice sector. More than 1,700 women media workers were active in the country.[[31]](#footnote-32) Women assumed leadership positions in civil society, including as human rights defenders, and contributed to the economic, political and social progress of the country. Some 3.5 million girls were attending schools.[[32]](#footnote-33) Women have also represented Afghanistan in sports at international level[[33]](#footnote-34) and were active in cultural life, including music.

33. Since 15 August 2021, women have been excluded from political life, as well as the workforce more broadly. They are absent from the all-male *de facto* administration and occupy a limited number of civil service positions. On 18 September 2021, the *de facto* authorities disbanded the Ministry of Women’s Affairs (MoWA), which was established in 2001 to lead government efforts to promote gender equality. The premises of the ministry were taken over by the *de facto* ministry of propagation of virtue and prevention of vice. This triggered protests in Kabul from the female workers of the MoWA, who urged the Taliban to let them return to their work.[[34]](#footnote-35)

34. The *de facto* authorities have repeatedly asserted commitments to uphold women’s rights within the framework of Islamic *shari’a* law. On 17 August 2021, in a press conference, the Taliban spokesperson Mr Zabihullah Mujahid stressed that “we are going to allow women to work and study.... Women are going to be very active in the society but within the framework of Islam.”[[35]](#footnote-36) In a letter to the United Nations dated 10 September 2021, the *de facto* authorities affirmed their commitments to all rights of women in the light of religion and culture and vowed to gradually take concrete steps with the help of international community. On 3 December 2021, the *de facto* authorities issued a decree on women’s rights, setting out rules governing marriage and property.[[36]](#footnote-37) The decree bans forced marriage of women, prohibits the practice of *baad[[37]](#footnote-38)* and grants inheritance rights to widows, although it falls short of setting a minimum age for marriage or referring to wider women and girls’ rights, *inter alia* their right to education, to work, to freedom of movement or to participation in public life.

35. On 17 January 2022, a group of United Nations human rights experts expressed serious concerns at the institutionalization of large scale and systematic gender-based discrimination and violence against women and girls.[[38]](#footnote-39)

36. The *de facto* authorities have imposed restrictions limiting women’s freedom of movement. On 26 December 2021, the *de facto* ministry of propagation of virtue and prevention of vice issued new guidance to transport operators across the country limiting women’s freedom of movement to no further than 72 kilometers, unless accompanied by a *mahram*.[[39]](#footnote-40) The guidance also prohibits taxi drivers from taking female passengers if they are not wearing an hijab. There are reports of further restrictions on women’s freedom of movement being applied at a provincial level; for instance, in Balkh province, women were reportedly banned from bathhouses by *de facto* ministry of propagation of virtue and prevention of vice in late December; in some provinces, *de facto* authorities have reportedly detained women who were found without a *mahram* (a close male relative).

37. On 27 February 2022, *de facto* spokesperson Zabiullah Mujahid told a press conference that the *de facto* authorities would ban Afghans from leaving the country without “an excuse” and that women would not be able to fly abroad unless accompanied by a *mahram*. On 2 March, Mujahid clarified these comments, saying that Afghans with “legal documents” would not be prohibited from travelling. No further clarification on the requirement for women travelling overseas to have a *mahram* has been issued.

38. Limitations on freedom of movement negatively impact other aspects of women’s lives, such as access to health services and employment. In some provinces, women have reportedly been prevented from accessing medical care because they were not accompanied by a *marham*. Women-headed households are also assessed as being at increased risk of poverty due to restrictions imposed on their freedom of movement and ability to work. [[40]](#footnote-41)

39. The change in effective authority has also had adverse impacts on access to justice, protection and support for women experiencing gender-based violence. The closure of various service providers working on gender-based violence, such as women’s shelters, has left a huge institutional gap to assist and protect women and girls at risk. Most shelters have been shut down for fear of reprisals, threats or due to financial constraints, forcing women and girls experiencing violence to return to or remain in situations where they are at serious risk. Women’s economic security and financial independence have also been affected by restrictions on their rights to work and freedom of movement, creating further barriers to escaping violence. In addition to the abolition of MoWA, specialized courts addressing elimination of violence against women and prosecution offices have also been removed from the *de facto* authorities’ administrative plan for 2022, leaving women without recourse to protection within the formal justice system. This also leaves in limbo cases related to child custody and divorce that were in process prior to 15 August 2021.

 V. Fundamental Freedoms

 A. Freedom of opinion and expression

40. Freedom of expression and opinion had greatly expanded in Afghanistan before the Taliban takeover. Afghanistan enjoyed a dynamic media landscape with 1,879 active media outlets, 203 TV channels, 349 radio stations and 1,327 print outlets. The media sector had employed thousands of media professionals including 1,741 female workers, of them 1,139 journalists.[[41]](#footnote-42) TV channels hosted live debates, music shows, cultural and educational programs amongst others. While media enjoyed unprecedented freedom, journalists and other media workers were subjected to violence, threats, intimidation, harassment, arrest and killings.[[42]](#footnote-43)

41. The space for independent media and civil society has changed since 15 August 2021. On 19 September 2021, the *de facto* authorities announced a set of 11 guidelines on media operations for all print, audio and video media outlets. These include advice to the media to: not publish issues contrary to the Islamic religion and *shari’a*; to strictly avoid disrespecting national and influential figures, as well as national and personal privacy; to strictly avoid distortion of contents; and to maintain impartiality in preparing and publishing news and reports and publish only the truth. These rules are being variously enforced across the country, especially at the provincial level, affecting further the media landscape and the enjoyment of the rights of freedom of opinion and expression.

42. The *de facto* authorities have subjected journalists to imprisonment, physical attack, intimidation and harassment. Since 15 August 2021, UNAMA documented the killing of two journalists, with two sustaining injuries from attacks. In 44 cases UNAMA documented 44 cases of journalist and media workers having been arbitrarily detained, beaten, and having suffered threats or intimidation. Of these, 42 cases were attributed to the *de facto* authorities while two cases could not be attributed. On 11 December 2021, a senior official of the *de facto* authorities and his bodyguards detained and beat Sayed Rashed Kashefi, a journalist who was reportedly filming the mistreatment of women by the bodyguards at an aid distribution site in Kabul. On 31 January 2022, in Kabul, the *de facto* authorities arrested Ariana TV journalists Alman Ejab and Wares Hasrat, releasing them on 2 February 2022.

43. On 20 December 2021, the Afghan Independent Journalists Association (AIJA) together with Reporters Without Borders (RSF) released findings of a survey that found only 312 out of 543 media outlets were still operating and more than 6,400 journalists had lost their jobs since 15 August 2021, 80 percent of whom were women.[[43]](#footnote-44) This was in part due to reduced funding and revenue.

44. The *de facto* authorities continue to arrest and detain individuals for peaceful expression of opinion or dissent. On 8 January 2022, Faizullah Jalal, a university professor was arrested by the *de facto* authoritiesfor reportedly making allegations on social media against the *de facto* authorities. He was released on 11 January 2022.

45. Journalists and media workers have been targeted by the *de facto* authoritieswhile reporting on peaceful assemblies. For example, on 30 September 2021, photojournalist Morteza Samadi was released by the *de facto* authoritiesafter three weeks in incommunicado detention following his arrest on 7 September 2021, as he reported on the protests against the *de facto* authoritiesin Herat. On the same day, the *de facto* authoritiesdetained Etilaat-e Roz journalists Taqi Daryabi and Nemat Naqdi, who had been covering protests by women in Kabul. They were reportedly taken to a police station in Kabul and severely flogged before being released on 8 September 2021 with severe injuries. They also detained and later released at least 14 journalists covering protests in Kabul on 7 September 2021 (six of these journalists were reportedly ill-treated during their arrests or detention). On 21 October 2021, security forces attacked three journalists, who were covering a women’s protest in Kabul, beating journalists as they tried to scatter the protestors.

46. OHCHR/UNAMA shares documented cases with the *de facto* authorities to establish the facts and continues to call on the *de facto* authorities to investigate these incidents and hold perpetrators responsible.

 47. The *de facto* authorities have demonstrated intolerance of music and art and the atmosphere of fear, intimidation, violence and threats against musicians and artists have forced many to go into hiding or to flee the country. A number of musicians and artists have informed OHCHR they feel vulnerable to attack, arrest and detention due to their public profile. To mitigate these risks, many of those still in Afghanistan have gone into hiding.

48. A spokesperson of the *de facto* authorities was quoted by media asserting that music in public was forbidden by Islam but that the ban would not be imposed by force.[[44]](#footnote-45) On 26 December 2021, the *de facto* authorities issued instructions to taxi drivers, urging them to refrain from playing music. Some radio stations are reported to have ceased broadcasting after the *de facto* authorities ordered replacement of news and music with exclusively religious programs.

 B. Right to peaceful assembly

49. With the deepening of the political, social and economic crisis since 15 August 2021, peaceful protests have taken place across the country. These protests have focused on various issues including women’s rights (particularly women’s rights to education, work, participation in public life, and freedom of movement), the lifting of economic sanctions, the settlement of unpaid salaries, and the distribution of humanitarian assistance. Some of these peaceful protests, especially those on women’s rights, have been met with violence or intimidation by the *de facto* authorities. Some demonstrators were arbitrarily detained and subjected to torture and ill-treatment. To disperse protesters, the Taliban have resorted to the use of force including by using live ammunition, batons, whips, pepper spray, tear gas and beatings. For instance, on 7 September 2021, in Herat, *de facto* authorities reportedly shot and killed two men and wounded several others at a protest. On the same day in Kabul, the *de facto* authorities reportedly beat and detained protesters, including women and up to 15 journalists covering the demonstration. On 16 January 2022, the *de facto* authorities reportedly used pepper spray and electric devices against protesters in Kabul. In contrast, protests seemingly coordinated with the *de facto* authorities on issues supported by the Taliban did not face restrictions. For example, on 21 December 2021 in Kabul (PD9), some 600 protesters calling for the release of frozen Afghan assets did not face restrictions by the *de facto* authorities. On 15 February 2022, peaceful demonstrations took place in many provincial capitals, where hundreds of ordinary citizens, businesspeople and money exchangers protested a recent US decision affecting Afghanistan’s assets.

50. The suppression of peaceful assemblies was coupled with the official restrictions imposed on 8 September 2021 by the *de facto* ministry of interior, which ban any demonstrations that do not have official approval. These restrictions, together with the *de facto* authorities heavy-handed approach to protests has heightened people’s fear of reprisals for publicly expressed dissent. Women have increasingly resorted to creative ways of protesting, for instance inside private houses, wearing face masks, painting slogans on walls at night, and increasingly relying on social media for coverage.

51. Reports of the *de facto* authorities conducting illegal house-raids to target protestors are deeply concerning. On 18 January 2022, the Taliban allegedly detained Azeem Azeemi, who announced the organization of a rally on twitter aimed at protesting against the visit a high-level official from Pakistan. His whereabouts remain unknown. Female activists have also been targeted. On 19 January 2022, Parwana Ibrahimkhel and her brother-in-law were abducted while travelling in Kabul. On the same day, Tamana Paryani and her three sisters were taken from a house in Kabul city. While denying the arrest of the activists, the *de facto* authorities’ spokesperson said that they had the right to arrest and detain those who break the law.[[45]](#footnote-46) Other reports allege that Mursal Ayar was taken from her house on 2 February 2022 and that Dr. Zahra Mohammadi was taken from her medical clinic on 3 February 2022. These women had attended a peaceful protest a few weeks earlier. On 10 February 2022, the United Nations Secretary-General expressed concerns about the well-being of these activists and urged the Taliban to ensure their safety and safe return home. On 11 February 2022, the *de facto* authorities released Ibrahimkhel, Ayar and Dr. Mohammadi, and the following day they released Tamana Paryani and her sisters. Also on 11 February, the *de facto* authorities detained a further group of at least 29 women and their relatives, among them some protestors. On 20 February, the *de facto* Ministry of Interior released a video clip in which a number of women from this group were filmed, while in detention, saying that they were encouraged to protest by Afghan women’s rights activists based overseas, as it would help them leave Afghanistan. As of 28 February, many of the group had reportedly been released. It is difficult, however, to verify this information and the conditions of their release due to reported restrictions on their ability to speak publicly about their experiences.

 C. Erosion of civic space

52. Despite the *de facto* authorities’ repeated public commitments to respect human rights within the framework of Islamic *shari’a*, civic space has shrunk rapidly and dramatically since their return to power. Civil society actors, including women’s rights activists, and human rights defenders have been subjected to killings, enforced disappearances, incommunicado detention, attacks, harassment, threats, arrests by the *de facto* authorities.

53. Since 15 August 2021, ten civil society activists were killed, five of whose deaths were attributed to the Taliban. Another 36 were arrested, beaten or threatened by the *de facto* authorities. For example, on 25 November 2021, in Lashkargah, civil society activist Mohammad Nawid was reportedly arrested by *de facto* authorities from his home and his body was found on 28 November 2021 with signs of ill treatment. In other cases, the perpetrators were not known: on 27 October 2021, in Mazar-e Sharif, the body of Forouzan Safi, a 30-year-old women’s rights activist was found in the outskirts of the city. There were no reports to suggest that the *de facto* authorities have investigated these incidents and took action against the perpetrators.

54. Human rights NGOs have become largely non-operational in most provinces, fearful of repercussions and restrictions imposed by *de facto* authoritieswhich expect them to merely engage solely on humanitarian issues. Lack of access to funding is another challenge preventing civil society organisations from continuing to operate.[[46]](#footnote-47)

55. The *de facto* authorities have occupied the premises of the Afghanistan Independent Human Rights Commission (AIHRC), with its staff being unable to exercise their duties. The *de facto* authorities have not issued any specific policy concerning the future status or mandate of the AIHRC.

 VI. Forced evictions

56. Conflicts related to land and property are not a new phenomenon in Afghanistan and have regularly surfaced in several provinces in the past. Since 15 August 2021, UNAMA/OHCHR received reports about several such instances, in some cases affecting ethnic minority communities, including forced evictions of settled populations in the provinces of Daikundi, Helmand, Balkh, Sar-i-Pul, Jawzjan and Takhar, seemingly facilitated or tolerated by the *de facto* authorities. For instance, in September, in Daikundi province, Kendir and Tagabdar districts, at least 400 Hazara families were forcibly evicted and displaced. As of February 2022, most of the families were reportedly allowed to return to their properties. In October 2021, some 200 families were forcefully evicted in Nawmesh district, Helmand Province. In the period from September to November 2021, in Kandahar city, 3,500 families were subject to forced eviction.

 VII. Accountability and administration of justice

57. The negative impact of the protracted conflict and widespread corruption, as well as the tensions between statutory, customary and Islamic laws, have consistently undermined the functioning and effectiveness of Afghanistan’s justice system. Equally, domestic attempts to investigate allegations of violations of human rights law and international humanitarian law committed during the conflict, including international crimes by a specialized directorate at the former Attorney General Office established in February 2018, have largely failed to ensure accountability and redress for victims for the most serious crimes.

58. On 5 March 2020, the Appeals Chamber of the International Criminal Court (ICC) had authorized the ICC Prosecutor to investigate alleged crimes under the Court’s jurisdiction committed in Afghanistan since 1 May 2003, or in other State parties but sufficiently linked to that situation.[[47]](#footnote-48) On 26 March 2020, the Government of Afghanistan requested, pursuant to Article 18(2) of the Rome Statute, that the Prosecutor deferred the investigation into the Afghanistan Situation to the Afghan national authorities, following which the Prosecutor deferred its investigations as required by the Statute, whilst considering the request. On 27 September 2021, the ICC Prosecutor sought authorization from the Pre-Trial Chamber to resume investigations in the situation in Afghanistan,[[48]](#footnote-49) after concluding that there was no longer the prospect of genuine and effective domestic investigation within Afghanistan into the crimes in question. The matter remains pending.

59. In October, the *de facto* authorities created a ‘commission for the Purification of the ranks’ composed of senior figures of *de facto* security ministries, *inter alia* to address complaints of abuse of authority by Taliban members. As of 21 February 2022, it was reported that the commission had expelled over 4,000 members, although the specific details on the violations or crimes committed by these people are not known.[[49]](#footnote-50)

60. After the takeover in mid-August 2021, the previously operating legal and justice systems became dysfunctional, with little clarity as to applicable laws and the side-lining of justice sector personnel. Since then, the *de facto* authorities have gradually sought to resume the functioning of a country-wide justice system and courts under Islamic law with numerous appointments at the *de facto* ministry of justice, *de facto* supreme court, primary, appeal courts and *de facto* attorney general office and initiation of an ongoing review of formal laws’ asserted compliance with both Islamic Law and with the objectives and policies of the new *de facto* administration. In the meantime, *de facto* authorities continued administering justice in lieu of the former judiciary in a decentralized manner in consultation with religious scholars, elders, and local communities.

61. Former judges, prosecutors and defence lawyers have remained mostly excluded from the *de facto* justice system and remain in limbo regarding their return to work. Some, fearing retribution by the Taliban or by former prisoners whose cases they presided over, have either fled the country or are in hiding. UNAMA/OHCHR has received reports of threats and intimidation being made against judges and prosecutors. Alongside this, in November, the *de facto* ministry of justice seized authority from the Afghanistan Independent Bar Association to license lawyers and a process is underway to recertify them.

 VIII. Conclusion and recommendations

 A. Conclusion

62. **Afghanistan is at a critical juncture that will have a profound impact on the future trajectory of the country and the rights of Afghan people, especially women. The economic system is near a state of complete collapse with profound impacts on economic, social and cultural rights.**

63. **The ravaged economy has exacerbated coping mechanism of families, giving rise to critical concerns for the protection of many individuals, in particular women and children.**

64. **Since 15 August 2021, there has been a significant decline in armed hostilities in Afghanistan with a drastic reduction in civilian casualties. At the same time, the full range of civil, political, economic, social and cultural rights of the people of Afghanistan has regressed.**

65. **While the Afghan people are at least spared the former intensity of armed conflict, targeted killings and summary executions of former government officials and security force personnel have continued, and civilians continue to be killed in attacks by armed groups.**

66. **The imposition of restrictive gender norms, practices and formal limitations has had serious adverse impacts on the rights of women and girls, including the freedom of movement and access to health, education, adequate standards of living and social protection. Former laws and institutions for the advancement of gender equality and women’s rights have been dismantled, leaving women and girls, particularly more vulnerable. The participation of women in political and economic life has been largely curtailed.**

67. **Restrictions on the freedom of opinion and expression, the right of peaceful assembly, the right to participate in public affairs and civic space have had a substantial chilling effect on individuals and communities.**

68. **While the *de facto* authorities have asserted repeated commitments to respect human rights in accordance with *shari’a*, they have yet to clarify the constitutional and legal frameworks that will apply to effectively protect people’s rights in line with the State of Afghanistan’s international obligations. Meanwhile, many of the institutions established over the past decades with the aim of protecting human rights or provide protection and assistance to victims of violence, in particular women, have been dismantled.**

69. **The High Commissioner believes that engagement with the *de facto* authorities is of key importance to encourage respect for fundamental human rights and freedoms, particularly the rights of women and girls. The respect and protection of the human rights, freedoms and well-being of all who live in Afghanistan, regardless of gender, age or ethnicity and their capacity to fully and equally participate in all aspects of the social, economic, and political life of the country are essential elements of an inclusive, stable and prosperous society. As a contribution to this, the High Commissioner stresses the value and importance of retaining a strengthened and active human rights component within the United Nations presence in Afghanistan to monitor the human rights situation, advocate with all relevant duty bearers and to provide technical assistance to uphold the respect and protection of human rights without discrimination.**

 B. Recommendations

**To the *de facto* authorities**

(a) **Fully comply with Afghanistan’s obligations under international human rights law;**

(b) **Respect and protect the right to life and ensure incidents involving loss of life are promptly, effectively and independently investigated, and perpetrators held accountable under fair process according to law;**

(c) **Ensure that personnel enforcing the law are trained in lawful and proportionate use of force according to relevant international standards;**

(d) **Ensure that girls and women have opportunities and access to quality education, equal to those afforded to men and boys, and as promised, open schools for girls of all ages in the New Solar Year;**

(e) **Respect the rights of women to actively participate in all aspects of civic, economic, political and public life;**

(f) **Ensure that victims of gender-based violence have access to justice and remedy, including measures to guarantee their protection;**

(g) **Immediately end killings of former members of the Afghan National Defense and Security Forces or Government personnel and ensure their protection;**

(h) **Take immediate legal, policy and practical measure to end ill-treatment and torture and to establish a systematic and independent mechanism to monitor the conditions of those deprived of their liberty, including providing access to complaint mechanisms and effective remedies;**

(i) **Take steps to reinstate a credible and independent national human rights complaint mechanism that is compatible with the Paris Principles on National Human Rights Institutions;**

(j) **Revoke overly restrictive policies on freedom of expression and right of peaceful assembly, ensure any new policies are in line with Afghanistan’s obligations under international human rights law and provide an enabling environment for civil society, media professionals, artists and cultural workers;**

(k) **Immediately stop all acts of intimidation against journalists, media workers and civil society, and ensure that prompt, effective and independent investigations are carried out on threats, ill treatment, violence and arbitrary arrests targeting media workers, protesters, human rights defenders;**

(l) **Engage constructively with UNAMA/OHCHR on human rights, including resolution of individual cases and concerns.**

**To the international community**

(a) **Maintain concerted advocacy with the de facto authorities regarding their obligation to protect and respect the rights of all Afghans, including women and girls;**

(b) **Scale-up humanitarian operations to meet immediate basic needs, particularly for food security and the right to health for children and women, and suspend the rules and conditions that constrict lifesaving humanitarian operations:**

(c) **Ensure that the implementation of applicable sanctions does not substantially impede the provision of essential public services, accessible to all, which are necessary for the enjoyment of human rights;**

(d) **Provide safe pathways and protection to Afghan’s leaving the country and avoid any refoulement risking serious human rights violations;**

(e) **Ensure investigation and accountability for violations committed in the course of the armed conflict and appropriate redress for victims;**

(f) **Ensure the continuation of a strengthened and active human rights component within the United Nations presence in Afghanistan.**

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